

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 16811 of 2011

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RAJ KISHORE KUMAR S/O Late Mahendra Prasad Singh Resident Of
Village- Choudha, P.S. Maheshkhut, District- Khagaria

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Principal Secretary, Home (Police)
Department, Old Secretariat, Patna
2. The Director General Of Police, Old Secretariat, Patna
3. The Deputy Inspector General Of Bihar Military Police, Patna
4. Commandant , Bihar Military Police-14, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Respondent/s :

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 16-09-2019 Heard learned counsel for the petitioner and the
respondent-State.

Petitioner was appointed on compassionate grounds in the year, 2009. alleging that petitioner had not disclosed pendency of a criminal case against him, his services were terminated by the Commandant – 14, Bihar Military Police, Patna by Memo dated 05.05.2010. The criminal proceedings arising out of Gogari (Maheshkhunt) Police Station Case No 177 of 1999 forms the basis of the action taken by the Respondent-Authorities. In the said case, petitioner is accused of the offences punishable under Sections 147, 148, 307 and 323 of Indian Penal Code as well as Section 27 of Arms Act.



Petitioner's counsel submits that in the criminal trial, the petitioner has been freed on admonition and there has been no sentence against him.

It is submitted that whether the nature of the proceedings were such that suppression would result in the petitioner's termination or not is an issue which, in view of the law declared by the Apex Court in the case of Avtar Singh -Versus- Union of India & Others reported in (2018) 1 Supreme Court Cases 268, is required to be examined by respondent No 3. Submission is advanced because respondent No 3 has rejected the petitioner's appeal against the order passed by the Commandant. Order of the Appellate Authority is dated 28.02.2011.

Having regard to the aforesaid submissions, this Court would remand the matter to respondent No 3, for consideration in light of the decision rendered by the Apex Court in the case of Avtar Singh (supra).

Let final decisions be taken by the Authority within three months from the date of submission of representation by the petitioner relying upon the decision of the Apex Court along with a copy of this order, which has to be submitted within four weeks from today.



Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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